

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF INDIANA**

PATRICK WYATT,

Plaintiff,

v.

FIVE STAR TECHNOLOGY SOLUTIONS,
LLC,

Defendant.

Case No. 20-CV-3198-JMS-MG

**NOTICE OF PLAINTIFF'S CONTINUING
VIOLATIONS OF COURT'S ORDER**

Five Star Technology Solutions, LLC ("Five Star"), through its counsel Seyfarth Shaw LLP, hereby submits this notice of Plaintiff Patrick Wyatt's continuing violation of Chief Judge Magnus-Stinson's April 9, 2021 Order (Doc. 45) and conduct in contravention to Magistrate Judge Garcia's May 28, 2021 Report and Recommendation (Doc. 58), and states as follows:

1. After a series of ongoing social media, text message and telephonic harassment by the Plaintiff, which began prior to the commencement of this action and continued while this action was pending, the Court adopted Magistrate Judge Baker's Report and Recommendation (Doc. 42) on April 9, 2021, and ordered that Plaintiff "cease any further harassment of Five Star and its employees, including via telephone, email, and social media." *See* Doc. 45. The Court further warned Plaintiff that "any future harassing conduct will result in further sanctions, including possible dismissal of this action with prejudice." *Id.*¹

2. On April 29, 2021, less than a month after the Court's April 9, 2021 Order, Five Star filed a motion for sanctions in light of Plaintiff's continued harassment of its counsel,

¹ Indeed, on June 29, 2021, the Court entered an order dismissing this action with prejudice in light of Plaintiff's continued violation of the Court's April 9, 2021 Order. (*See* Doc. 62). The Court ordered the judgment will not be final until Five Star's fee petition is ruled upon. *Id.*

specifically, Plaintiff sending Five Star's counsel a series of harassing emails unrelated to the underlying claims of the action.

3. On May 28, 2021, Magistrate Judge Garcia issued his Report and Recommendation, recommending that the instant matter be dismissed with prejudice and that Plaintiff be ordered "to cease any further harassment of Five Star, its employees, Seyfarth Shaw LLP, and its counsel of record in this instant action, including via telephone, email and social media." *See* Doc. 58.

4. As soon as two days after Magistrate Judge Garcia's May 28, 2021 Report and Recommendation, Plaintiff continued to Tweet and Re-Tweet a series of Twitter posts relating to Five Star and its counsel, Seyfarth Shaw LLP. A compilation of Plaintiff's relevant Twitter activity is attached hereto as **Exhibit A**.

5. Included in Plaintiff's Twitter activity are Tweets and re-Tweets of photos of the case, Five Star's employees and counsel (*id.*, pp. 15-18), Tweets about Seyfarth Shaw LLP and its employees (*id.*, pp. 3-14), and a link to Five Star's counsel's JD Supra account, which includes several hashtags, including "#EraseRacismFromTheWorkplace."

6. All of the social media conduct discussed above is in violation of the Court's April 9, 2021 Order (Doc. 45) and is in contravention to Magistrate Judge Garcia's May 28, 2021 Report and Recommendation (Doc. 58), which was later adopted by the Court on June 29, 2021 (Doc. 62).

Dated: June 30, 2021

Respectfully submitted,

FIVE STAR TECHNOLOGY SOLUTIONS, LLC

By: /s/ Alexandra S. Oxyer

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CERTIFICATE OF SERVICE

I certify that a copy of the foregoing pleading was served on the following via U.S. Mail, postage prepaid, on this 30th day of June, 2021:

Mr. Patrick L. Wyatt
8314 Picadilly Lane
Indianapolis, IN 46256

/s/ Alexandra S. Oxyer